United States Government



NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary 1099 14th Street NW, Suite 11600 Washington, DC 20570 Telephone: 202-273-1746 Fax: 202-273-4270 www.nlrb.gov

April 6, 2012

Stephanie Dodge Gournis Mark D. Nelson Frank Nardulli Drinker Biddle & Reath, LLP 191 N. Wacker Drive, Suite 3700 Chicago, IL 60606-1698

> Re: <u>Jewish Hospital & St. Mary's Healthcare, Inc., d/b/a Our Lady of Peace</u>, Case 09-CA-066542

Dear Counsels:

On April 4, 2012, your office electronically filed two documents with the Office of the Executive Secretary for the National Labor Relations Board – Exceptions to the Administrative Law Judge's Decision and Respondent's Brief in Support of Exceptions to the Administrative Law Judge's Decision. These documents were received two days after the due date of April 2, 2012.

Section 102.111 (b) of the Board's Rules and Regulations states that "[w]hen the Act or any of these rules require the filing of a motion, brief, exception . . . such document must be received by the Board . . . before the official closing time of the receiving office on the last day of the time limit, if any, for such filing or extension of time that may have been granted . . .". In addition, the Agency will accept electronic filings up to 11:59 pm in the local time zone of the receiving office on the due date.

The decision of the Administrative Law Judge in this proceeding was issued on March 5, 2012. The due date for filing exceptions to the Administrative Law Judge's decision was April 2, 2012 (see attached Order Transferring Proceeding to the National Labor Relations Board). No request for an extension of time for filing exceptions to the ALJ's decision has been received by the Office of the Executive Secretary. Your office electronically filed exceptions to the ALJ's decision and a brief in support of exceptions on April 4, 2012, two days after the due date for filing exceptions in this proceeding. The filings are therefore untimely submitted and cannot be transmitted to the Board for consideration.

Pursuant to Section 102.111 (c) of the Board's Rules and Regulations, a party may request that the Board accept a late filing due to excusable neglect. That Section of the Board's Rules requires that a request to accept a late-filed document based on excusable neglect must be accompanied by an affidavit or sworn statement describing

the reason(s) for the lateness. Should you wish to have the Board consider your latefiled exceptions and brief in support of exceptions pursuant to the excusable neglect provision of the Board's Rules and Regulations, please file the request and required affidavit as soon as possible, but in no event later than April 13, 2012. Should you fail to file this request and affidavit, the Board will assume that you will not seek to have the documents considered by the Board pursuant to the "excusable neglect" provision.

Very truly yours,

/s/ Roxanne L. Rothschild Associate Executive Secretary

RLR/syh Attachment

cc: Parties